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Meeting of States Parties

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Annual report of the International Tribunal for the Law of the Sea for 2012

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I. Introduction

1. The present report of the International Tribunal for the Law of the Sea is submitted to the Meeting of States Parties under rule 6, paragraph 3 (d), of the Rules of Procedure for Meetings of States Parties and covers the period from 1 January to 31 December 2012.

2. The Tribunal was established by the 1982 United Nations Convention on the Law of the Sea (hereinafter "the Convention"). It functions in accordance with the relevant provisions of part XV and part XI of the Convention, the Statute of the Tribunal (hereinafter "the Statute"), as contained in annex VI to the Convention, and the Rules of the Tribunal (hereinafter "the Rules").

II. Organization of the Tribunal

3. The Tribunal is composed of 21 members, elected by the States parties to the Convention in the manner provided for by article 4 of the Statute.

4. As at 31 December 2012, the composition of the Tribunal was as follows:

Order of precedence	*Country*	*Date of expiry of term of office*
President		
Shunji Yanai	Japan	30 September 2014
Vice-President		
Albert Hoffmann	South Africa	30 September 2014
Judges		
Vicente Marotta Rangel	Brazil	30 September 2017
L. Dolliver M. Nelson	Grenada	30 September 2014
P. Chandrasekhara Rao	India	30 September 2017
Joseph Akl	Lebanon	30 September 2017
Rüdiger Wolfrum	Germany	30 September 2017
Tafsir Malick Ndiaye	Senegal	30 September 2020
José Luis Jesus	Cape Verde	30 September 2017
Jean-Pierre Cot	France	30 September 2020
Anthony Amos Lucky	Trinidad and Tobago	30 September 2020
Stanislaw Pawlak	Poland	30 September 2014
Helmut Türk	Austria	30 September 2014
James Kateka	United Republic of Tanzania	30 September 2014

Order of precedence	*Country*	*Date of expiry of term of office*
Zhiguo Gao	China	30 September 2020
Boualem Bouguetaia	Algeria	30 September 2017
Vladimir Vladimirovich Golitsyn	Russian Federation	30 September 2017
Jin-Hyun Paik	Republic of Korea	30 September 2014
Elsa Kelly	Argentina	30 September 2020
David Joseph Attard	Malta	30 September 2020
Markiyan Z. Kulyk	Ukraine	30 September 2020

5. The Registrar of the Tribunal is Philippe Gautier (Belgium).

6. The Deputy Registrar is Doo-young Kim (Republic of Korea). Mr. Kim has been Deputy Registrar of the Tribunal since 2002. He was re-elected for a term of five years on 21 March 2012 by the members of the Tribunal. In accordance with articles 32 and 33 of the Rules, the Deputy Registrar is elected from the candidates nominated by members of the Tribunal.

III. Chambers

A. Seabed Disputes Chamber

7. In accordance with article 35, paragraph 1, of the Statute, the Seabed Disputes Chamber consists of 11 judges selected by the Tribunal from among its elected members. The members of the Chamber are selected triennially.

8. During the thirty-second session, on 6 October 2011, the Tribunal selected the members of the Seabed Disputes Chamber. The composition of the Chamber, in order of precedence, is as follows: Judge Golitsyn, President; Judges Marotta Rangel, Nelson, Chandrasekhara Rao, Akl, Wolfrum, Ndiaye, Jesus, Türk, Gao and Bouguetaia, members.

9. The terms of office of the members of the Chamber expire on 30 September 2014.

B. Special chambers

1. Chamber of Summary Procedure

10. The Chamber of Summary Procedure is established in accordance with article 15, paragraph 3, of the Statute and consists of five members and two alternates. In accordance with article 28 of the Rules, the President and the Vice-President of the Tribunal are ex officio members of the Chamber, with the President of the Tribunal serving as President of the Chamber. The Chamber is constituted annually.

11. During the thirty-fourth session of the Tribunal, on 25 September 2012, the Chamber was constituted for the period from 1 October 2012 to 30 September 2013.

The members of the Chamber, in order of precedence, are as follows: Judge Yanai, President; Judges Hoffmann, Lucky, Kateka and Golitsyn, members; Judges Paik and Attard, alternates.

2. Chamber for Fisheries Disputes

12. On 20 February 1997, the Tribunal established the Chamber for Fisheries Disputes in accordance with article 15, paragraph 1, of the Statute.

13. During the thirty-second session, on 4 October 2011, the Tribunal selected the members of the Chamber for Fisheries Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Ndiaye, President; Judges Cot, Pawlak, Kateka, Gao, Paik, Kelly, Attard and Kulyk, members.

14. The terms of office of the members of the Chamber expire on 30 September 2014.

3. Chamber for Marine Environment Disputes

15. On 20 February 1997, the Tribunal established the Chamber for Marine Environment Disputes in accordance with article 15, paragraph 1, of the Statute.

16. During the thirty-second session, on 4 October 2011, the Tribunal selected the members of the Chamber for Marine Environment Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Lucky, President; Judges Wolfrum, Cot, Bouguetaia, Golitsyn, Paik and Kelly, members.

17. The terms of office of the members of the Chamber expire on 30 September 2014.

4. Chamber for Maritime Delimitation Disputes

18. On 16 March 2007, the Tribunal established the Chamber for Marine Delimitation Disputes in accordance with article 15, paragraph 1, of the Statute.

19. During the thirty-second session, on 4 October 2011, the Tribunal selected the members of the Chamber for Maritime Delimitation Disputes for a three-year term. The composition of the Chamber, in order of precedence, is as follows: Judge Yanai, President; Judges Nelson, Chandrasekhara Rao, Akl, Wolfrum, Ndiaye, Jesus, Cot, Pawlak, Gao and Bouguetaia, members.

20. The terms of office of the members of the Chamber expire on 30 September 2014.

IV. Meetings of the Tribunal

21. In 2012, judicial meetings of the Tribunal took place as follows:

(a) **Case No. 16 on the list of cases of the Tribunal (Merits):**

Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)

The Tribunal met from 16 January to 1 February, from 27 February to 6 March and from 12 to 14 March 2012 to consider and adopt the draft judgment. The Tribunal delivered its judgment on 14 March 2012;

(b) **Case No. 18 on the list of cases of the Tribunal (Merits)**:

The M/V "Louisa" *Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*

Initial deliberations of the Tribunal were held on 1 and 2 October 2012. The oral proceedings took place from 4 to 12 October and the Tribunal met for deliberations from 15 October to 2 November 2012. According to the schedule of proceedings, the judgment in this case is expected to be delivered in spring 2013;

(c) **Case No. 19 on the list of cases of the Tribunal (Merits)**:

The M/V "Virginia G" *Case (Panama/Guinea-Bissau)*

Judicial deliberations took place on 2 November 2012. On the same date, the Tribunal adopted an order regarding the submission of a counter-claim by Guinea-Bissau and the filing of an additional pleading by Panama in the case;

(d) **Case No. 20 on the list of cases of the Tribunal (Urgent proceedings)**:

The "ARA Libertad" *Case (Argentina v. Ghana), Provisional Measures*

The Tribunal met from 28 November to 15 December 2012 to deal with the urgent proceedings instituted by Argentina on 14 November 2012. The Tribunal delivered its order on 15 December 2012.

22. The Tribunal also held two sessions devoted to legal and judicial matters as well as organizational and administrative matters: the thirty-third session of the Tribunal was held from 19 to 30 March 2012 and the thirty-fourth session from 17 to 28 September 2012.

23. The Tribunal decided to hold its thirty-fifth session from 11 to 22 March 2013, to deal with legal matters having a bearing on the judicial work of the Tribunal and organizational and administrative matters.

V. Judicial work of the Tribunal

A. *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*

24. On 14 December 2009, proceedings were instituted before the Tribunal in relation to the delimitation of the maritime boundary in the Bay of Bengal between Bangladesh and Myanmar (case No. 16 on the list of cases). The dispute concerned the delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal with respect to the territorial sea, the exclusive economic zone and the continental shelf within and beyond 200 nautical miles.

25. Pursuant to the order of the President of 28 January 2010 and the order of the Tribunal of 17 March 2010, the time limits for the filing of the pleadings in the case were fixed as follows: 1 July 2010 for the memorial of Bangladesh, 1 December 2010 for the counter-memorial of Myanmar, 15 March 2011 for the reply of Bangladesh and 1 July 2011 for the rejoinder of Myanmar. The pleadings were duly filed within the time limits so prescribed.

26. Both Bangladesh and Myanmar chose Judges ad hoc pursuant to article 17 of the Statute of the Tribunal. Thomas Mensah was chosen as Judge ad hoc by Bangladesh and Bernard Oxman was chosen as Judge ad hoc by Myanmar.

27. The hearing took place in Hamburg from 8 to 24 September 2011, during which the parties presented their oral statements at 15 public sittings. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions:

On behalf of Bangladesh, at the hearing on 22 September 2011:

> [O]n the basis of the facts and arguments set out in our Reply and during these oral proceedings, Bangladesh requests the Tribunal to adjudge and declare that:
>
> (1) The maritime boundary between Bangladesh and Myanmar in the territorial sea shall be that line first agreed between them in 1974 and reaffirmed in 2008. The coordinates for each of the seven points comprising the delimitation are those set forth in our written Submissions in the Memorial and Reply;
>
> (2) From Point 7, the maritime boundary between Bangladesh and Myanmar follows a line with a geodesic azimuth of 215° to the point located at the coordinates set forth in paragraph 2 of the Submissions as set out in the Reply; and
>
> (3) From that point, the maritime boundary between Bangladesh and Myanmar follows the contours of the 200-M limit drawn from Myanmar's normal baselines to the point located at the coordinates set forth in paragraph 3 of the Submissions as set out in the Reply.

On behalf of Myanmar, at the hearing on 24 September 2011:

> Having regard to the facts and law set out in the Counter-Memorial and the Rejoinder, and at the oral hearing, the Republic of the Union of Myanmar requests the Tribunal to adjudge and declare that:
>
> 1. The single maritime boundary between Myanmar and Bangladesh runs from point A to point G, as set out in the Rejoinder. [...]
>
> 2. From point G, the boundary line continues along the equidistance line in a south-west direction following a geodetic azimuth of 231° 37' 50.9" until it reaches the area where the rights of a third State may be affected.

28. The Tribunal delivered its judgment in the case on 14 March 2012. In its judgment, the Tribunal delimited the maritime boundary between the two States in the territorial sea and exclusive economic zone and on the continental shelf.

29. In respect of the delimitation of the territorial sea, the Tribunal found that there was no agreement within the meaning of article 15 of the Convention between the parties. The Tribunal also considered that the evidence submitted by Bangladesh did not prove the existence of a tacit or de facto agreement and found that, in the light of the circumstances of the case, there was no situation of estoppel. The Tribunal further stated that there was no historic title or any other special circumstance in the area to be delimited. It then undertook to delimit the territorial sea by drawing an equidistance line, in application of article 15 of the Convention. In this context, it examined the effect to be given to St. Martin's Island, which is under

the sovereignty of Bangladesh and lies opposite Myanmar's mainland coast though "located almost as close to Bangladesh's mainland coast as to the coast of Myanmar" (Judgment, para. 149). The Tribunal concluded "that, in the circumstances of this case, there are no compelling reasons that justify treating St. Martin's Island as a special circumstance for the purposes of article 15 of the Convention or that prevent the Tribunal from giving the island full effect in drawing the delimitation line of the territorial sea between the Parties" (Judgment, para. 52).

30. With respect to the delimitation of the exclusive economic zone and continental shelf within 200 nautical miles, the Tribunal applied the equidistance/relevant circumstances method, following the three-stage approach developed in the most recent international jurisprudence on the subject. The Tribunal then began by constructing its own provisional equidistance line. It then determined that the cut-off effect produced by the concavity of Bangladesh's coast constituted a relevant circumstance and decided to adjust the provisional equidistance line for this reason.

31. As for the effect to be given to St. Martin's Island, the Tribunal stated that "there is no general rule" on the effect to be given to an island in the delimitation of the maritime boundary in the exclusive economic zone and the continental shelf and added: "Each case is unique and requires specific treatment, the ultimate goal being to reach a solution that is equitable" (Judgment, para. 317). In the case before it, the Tribunal considered that giving effect to St. Martin's Island in the delimitation of the exclusive economic zone and continental shelf would block the seaward projection of Myanmar's coast. Accordingly, the Tribunal concluded that the island was not a relevant circumstance and gave it no effect in drawing the line delimiting the exclusive economic zone and the continental shelf.

32. The Tribunal then considered the continental shelf beyond 200 nautical miles. It first found that it had jurisdiction to delimit the continental shelf in its entirety. It then considered whether in the circumstances of the case it should refrain from exercising that jurisdiction until each party had established the outer limits of the continental shelf pursuant to article 76, paragraph 8, of the Convention, or at least until the Commission on the Limits of the Continental Shelf had made recommendations to each party. The Tribunal observed that a decision on its part not to exercise its jurisdiction over the dispute relating to the continental shelf beyond 200 nautical miles would not only fail to resolve a long-standing dispute but also would not be conducive to the efficient operation of the Convention. In the view of the Tribunal, it would be contrary to the object and purpose of the Convention not to resolve the existing impasse. Inaction by the Commission and the Tribunal, two organs created by the Convention to ensure the effective implementation of its provisions, would leave the parties in a position where they might be unable to benefit fully from their rights over the continental shelf.

33. In the view of the Tribunal, there is a clear distinction between the delimitation of the continental shelf under article 83 and the delineation of its outer limits under article 76. Under article 76, the Commission is assigned the function of making recommendations to coastal States on matters relating to the establishment of the outer limits of the continental shelf, but it does so without prejudice to delimitation of maritime boundaries. Just as the functions of the Commission are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts, so the exercise by international courts and tribunals of their jurisdiction regarding the delimitation of maritime boundaries, including that

of the continental shelf, is without prejudice to the exercise by the Commission of its functions on matters related to the delineation of the outer limits of the continental shelf.

34. The Tribunal had then to determine whether the parties had entitlements to a continental shelf beyond 200 nautical miles. In this connection, it considered the meaning of "natural prolongation" and its interrelation with that of "continental margin" in the application of article 76 of the Convention. After doing so, the Tribunal concluded that the parties had overlapping entitlements to the continental shelf beyond 200 nautical miles and it proceeded to delimit that area, stating:

> [T]he delimitation method to be employed in the present case for the continental shelf beyond 200 nautical miles should not differ from that within 200 [nautical miles]. Accordingly, the equidistance/relevant circumstances method continues to apply for the delimitation of the continental shelf beyond 200 [nautical miles]. (Judgment, para. 455)

35. Upon completing its examination, the Tribunal decided that the adjusted equidistance line would continue in the same direction beyond the 200-nautical-mile limit of Bangladesh until it reached the area where the rights of third States might be affected. It then applied the disproportionality test and came to the conclusion that the adjusted equidistance line did not lead to any significant disproportion in the allocation of maritime areas to the parties relative to the respective lengths of their coasts.

36. The delimitation of the continental shelf beyond 200 nautical miles creates a "grey area" resulting from the fact that the line of delimitation is not based strictly on equidistance. It runs beyond the 200-nautical-mile limit off the coast of Bangladesh until it reaches a distance of 200 nautical miles from Myanmar's coast. Under these circumstances, the Tribunal decided that "in the area beyond Bangladesh's exclusive economic zone that is within the limits of Myanmar's exclusive economic zone, the maritime boundary delimits the Parties' rights with respect to the seabed and subsoil of the continental shelf but does not otherwise limit Myanmar's rights with respect to the exclusive economic zone, notably those with respect to the superjacent waters" (Judgment, para. 474). Each State must therefore exercise its rights and perform its duties with due regard to the rights and duties of the other. There are many ways in which the parties may ensure the discharge of their obligations in this respect, including, for example, by establishing cooperative arrangements.

B. *The* M/V "Louisa" *Case (Saint Vincent and the Grenadines v. Kingdom of Spain)*

37. On 24 November 2010, Saint Vincent and the Grenadines instituted proceedings before the Tribunal against Spain in a dispute concerning the arrest of the *M/V Louisa* (case No. 18 on the list of cases). The application instituting proceedings included a request for the prescription of provisional measures under article 290, paragraph 1, of the Convention. The Tribunal delivered its order on this request on 23 December 2010.

38. On 12 January 2011, the President issued time limits for the filing of the memorial by Saint Vincent and the Grenadines and the counter-memorial by Spain.

The time limits were extended by a further order dated 28 April 2011, to 10 June 2011 for the memorial and 10 November 2011 for the counter-memorial.

39. By an order dated 30 September 2011, the Tribunal authorized the submission of a reply by Saint Vincent and the Grenadines and a rejoinder by Spain and fixed 11 December 2011 and 11 February 2012, respectively, for the filing of those pleadings.

40. On 4 November 2011, the President issued an order extending once again the time limits for the submission of pleadings in this case. The time limit for the filing of the counter-memorial was extended to 12 December 2011, and those of the reply and the rejoinder to 10 February and 10 April 2012, respectively. The counter-memorial of Spain, the reply of Saint Vincent and the Grenadines and the rejoinder of Spain were duly filed within the extended time limits.

41. On 4 July 2012, the President, after ascertaining the views of the parties, fixed 4 October 2012 as the date for the opening of the hearing.

42. Prior to the opening of the hearing, the Tribunal held initial deliberations on 1 and 2 October 2012.

43. The parties presented their oral statements at 13 public sittings held from 4 to 12 October 2012. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions:

On behalf of Saint Vincent and the Grenadines, at the hearing on 11 October 2012:

The Applicant requests the Tribunal to prescribe the following measures:

(a) declare that the Tribunal has jurisdiction over the Request;

(b) declare that the Request is admissible;

(c) declare that the Respondent has violated articles 73 (2) and (4), 87, 226, 227, 300, and 303 of the Convention;

(d) order the Respondent to release the *Gemini III* and return property seized;

(e) declare that the boarding and detention of the *MV Louisa* and *Gemini III* was unlawful;

(f) declare that the detention of Mario Avella, Alba Avella, Geller Sandor and Szuszky Zsolt was unlawful and abused their human rights in violation of the Convention;

(g) declare that the Respondent denied justice to Mario Avella, Alba Avella, Geller Sandor, Szuszky Zsolt and John B. Foster and abused the property rights of John B. Foster;

(h) order that the Respondent is prohibited from retaliating against the interests of Mario Avella, Alba Avella, Geller Sandor, Szuszky Zsolt, John B. Foster and Sage Maritime Scientific Research, Inc., including the initiation of any procedure requesting the arrest, detention, or prosecution of these individuals or the seizure or forfeiture of their property in domestic Spanish courts;

(i) order that the Respondent is prohibited from undertaking any action against the interests of Mario Avella and John B. Foster, including the continued prosecution of these individuals in domestic Spanish courts;

(j) order reparations to individuals in the following amounts, plus interest at the lawful rate:

(1) Mario Avella: €810,000

(2) Alba Avella: €275,000

(3) Geller Sandor: €275,000

(4) Szuszky Zsolt: €275,000

(5) John B. Foster: €1,000

(k) order reparations to Sage Maritime Scientific Research, Inc. in the amount of $4,755,144 (USD) for damages and an additional amount in the range of $3,500,000-$40,000,000 (USD) for lost business opportunities;

(l) order reparations to Saint Vincent and the Grenadines in the amount of €500,000 for costs and damages to its dignity, integrity, and vessel registration business; and

(m) award reasonable attorneys' fees and costs associated with this request as established before the Tribunal, of not less than €500,000.

On behalf of Spain, at the hearing on 12 October 2012:

On the grounds set out in the written pleadings and then elaborated in the course of its oral statements, and on any other grounds, the Kingdom of Spain requests the International Tribunal for the Law of the Sea to adjudge and declare that:

1. the Application submitted by Saint Vincent and the Grenadines is not admissible and must be dismissed;

2. this honourable Tribunal has no jurisdiction in the case;

3. subsidiarily, the Applicant's contention that Spain has breached its obligations under the Convention is not well-founded;

4. consequently, each and all of the requests made by the Applicant must be rejected; and

5. the Applicant be ordered to pay the costs incurred by the Respondent in connection with this case, as determined by the Tribunal, but in an amount no less than US$ 500,000.

44. As at 31 December 2012, the reading of the judgment in this case was expected to be delivered in spring 2013.

C. *The* M/V "Virginia G" *Case (Panama/Guinea-Bissau)*

45. On 4 July 2011, proceedings were instituted before the Tribunal through the notification of a special agreement in a dispute concerning the vessel *Virginia G* (case No. 19 on the list of cases).

46. By a letter dated 4 July 2011, the Agent of Panama notified the Tribunal of a special agreement concluded by exchange of notes, dated 29 June and 4 July 2011, between the Republic of Panama and the Republic of Guinea-Bissau, respectively, to submit to the Tribunal a dispute concerning the vessel *Virginia G*. The case was entered in the list of cases as case No. 19.

47. On 17 August 2011, the President held consultations with the representatives of the Parties to ascertain their views with regard to questions of procedure.

48. By an order dated 18 August 2011, the President fixed 4 January 2012 as the time limit for the filing of the memorial by Panama and 21 May 2012 as the time limit for the filing of the counter-memorial by Guinea-Bissau.

49. On 30 September 2011, the Tribunal adopted an order authorizing the submission of a reply by Panama and a rejoinder by Guinea-Bissau and fixing 21 August and 21 November 2012, respectively, for the filing of those pleadings.

50. Subsequently, by an order dated 23 December 2011, the President extended the time limits for the submission of the memorial and the counter-memorial to 23 January 2012 and 11 June 2012, respectively. The memorial and the counter-memorial were duly filed within the extended time limits.

51. By an order dated 8 August 2012, the President extended the time limits for the filing of the reply and the rejoinder to 28 August 2012 and 28 November 2012, respectively. The reply and the rejoinder were duly filed within the extended time limits.

52. In its counter-memorial, Guinea-Bissau submitted a counter-claim which Panama, in its reply, requested the Tribunal "to dismiss, reject or otherwise refuse". In addition, Panama requested the Tribunal "to fix an additional date, following the 28 November 2012 deadline for the submission of Guinea-Bissau's Rejoinder, by which date Panama may submit final submissions in reply only to the sections of Guinea-Bissau's Rejoinder concerning the counter-claim".

53. By a letter dated 6 October 2012, the Registrar informed the parties at the request of the President that "[b]efore taking a decision on the possibility for Panama to file an additional pleading restricted to the issue of the counter-claim, the Tribunal has to examine whether the counter-claim raised by Guinea-Bissau is admissible under article 98 of the Rules". In the same letter, both parties were given the opportunity to submit their observations on this particular question by 19 October 2012. Observations were received from both parties within the time limit.

54. Both Panama and Guinea-Bissau chose judges ad hoc pursuant to article 17 of the Statute. Tullio Treves was chosen as judge ad hoc by Panama and José Manuel Sérvulo Correia was chosen as judge ad hoc by Guinea-Bissau.

55. In its order dated 2 November 2012, the Tribunal found that the counter-claim presented by Guinea-Bissau "satisfies the conditions set forth in" and "is admissible under article 98, paragraph 1, of the Rules of the Tribunal". The Tribunal also authorized "the submission by Panama of an additional pleading relating solely to

the counter-claim submitted by Guinea-Bissau" and fixed 21 December 2012 as the time limit for the filing of this pleading. Panama duly filed the additional pleading within this time limit.

D. *The* "ARA Libertad" *Case (Argentina v. Ghana)*

56. On 14 November 2012, Argentina filed with the Tribunal a request for the prescription of provisional measures under article 290, paragraph 5, of the Convention in a dispute concerning "the detention by Ghana [...] of the warship 'ARA Fragata Libertad'". The case was entered into the Tribunal's list of cases as case No. 20.

57. The *ARA Libertad* had arrived, on a courtesy visit, in the port of Tema, near Accra, on 1 October 2012. The vessel's departure from this port, scheduled for 4 October 2012, was prevented by Ghanaian authorities pursuant to a decision of the High Court of Accra taken in connection with a commercial lawsuit. On 30 October 2012, Argentina instituted arbitration proceedings, under annex VII to the Convention, against Ghana concerning the detention of the vessel. In the notification instituting arbitral proceedings, which was notified to Ghana on 30 October 2012, Argentina requested "Ghana to adopt a provisional measure to unconditionally enable the Argentine warship 'ARA Fragata Libertad' to be resupplied and to leave the Tema port and the jurisdictional waters of Ghana".

58. Pending the constitution of the arbitral tribunal and after the time limits of two weeks provided for by article 290, paragraph 5, of the Convention, Argentina, on 14 November 2012, submitted to the Tribunal a request for the prescription of provisional measures.

59. By an order dated 20 November 2012, after having ascertained the views of the parties, the President fixed 29 November 2012 as the date for the opening of the hearing.

60. On 20 November 2012, the President addressed a letter to both parties calling upon them, in conformity with article 90, paragraph 4, of the Rules, "to avoid taking any measures which might hinder any order the Tribunal may make on the Request for provisional measures to have its appropriate effects".

61. Since the Tribunal did not include upon the bench a judge of the nationality of Ghana, Ghana chose Thomas A. Mensah to sit as judge ad hoc in this case pursuant to article 17 of the Statute of the Tribunal and article 19 of the Rules of the Tribunal.

62. Ghana also filed with the Tribunal a statement in response on 28 November 2012.

63. Prior to the opening of the hearing, the Tribunal held initial deliberations on 28 November 2012.

64. Oral statements were presented at four public sittings held on 29 and 30 November 2012. In accordance with article 75, paragraph 2, of the Rules, the parties presented the following final submissions at the hearing on 30 November 2012:

On behalf of Argentina:

> For the reasons expressed by Argentina before the Tribunal, pending the constitution of the arbitral tribunal under Annex VII of the United

Nations Convention on the Law of the Sea, Argentina requests that the Tribunal prescribes the following provisional measure:

> that Ghana unconditionally enables the Argentine warship Frigate ARA Libertad to leave the Tema port and the jurisdictional waters of Ghana and to be resupplied to that end.
>
> Equally Argentina requests that the Tribunal rejects all the submissions made by Ghana.

On behalf of Ghana:

> [T]he Republic of Ghana requests the Tribunal:
>
> (1) to reject the request for provisional measures filed by Argentina on 14 November 2012; and
>
> (2) to order Argentina to pay all costs incurred by the Republic of Ghana in connection with this request.

65. The Tribunal delivered its order unanimously on 15 December 2012.

66. In its order, the Tribunal held that, "at this stage of the proceedings, the Tribunal does not need to establish definitively the existence of the rights claimed by Argentina and yet, before prescribing provisional measures, the Tribunal must satisfy itself that the provisions invoked by the Applicant appear prima facie to afford a basis on which the jurisdiction of the Annex VII arbitral tribunal might be founded". In the light of the arguments presented by the parties, the Tribunal considered "that article 32 [of the Convention] affords a basis on which prima facie jurisdiction of the Annex VII arbitral tribunal might be founded;" (Order, para. 66).

67. The Tribunal then examined whether the urgency of the situation requires the prescription of provisional measures. In this context, the Tribunal considered, inter alia, that, "in accordance with general international law, a warship enjoys immunity" (ibid., para. 95) and that "any act which prevents by force a warship from discharging its mission and duties is a source of conflict that may endanger friendly relations among States" (ibid., para. 97).

68. The Tribunal concluded that "under the circumstances of the present case, pursuant to article 290, paragraph 5, of the Convention, the urgency of the situation requires the prescription by the Tribunal of provisional measures that will ensure full compliance with the applicable rules of international law, thus preserving the respective rights of the Parties" (ibid., para. 100).

69. For these reasons, the Tribunal, prescribed, pending a decision by the Annex VII arbitral tribunal, the following provisional measures under article 290, paragraph 5, of the Convention:

> Ghana shall forthwith and unconditionally release the frigate *ARA Libertad*, shall ensure that the frigate *ARA Libertad*, its Commander and crew are able to leave the port of Tema and the maritime areas under the jurisdiction of Ghana, and shall ensure that the frigate *ARA Libertad* is resupplied to that end.

70. The Tribunal further decided that Argentina and Ghana should each submit an initial report not later than 22 December 2012 to the Tribunal, and authorized the President to request such information as he might consider appropriate after that date. The Tribunal also decided that each Party should bear its own costs.

71. Each party submitted an initial report on the measures taken within the prescribed time limits. On that basis, the Tribunal was informed that the *ARA Libertad* had been released and, on 19 December 2012, had left the maritime areas under the jurisdiction of Ghana.

VI. Legal matters

72. During the period under review, the Tribunal devoted part of its two sessions to the consideration of legal and judicial matters. In this respect, the Tribunal examined various legal issues of relevance to its jurisdiction, its Rules and its judicial procedures. It also exchanged views on recent developments concerning law of the sea matters. This review was undertaken both by the Tribunal and by its chambers. Some of the main issues considered are noted below.

A. Jurisdiction, rules and judicial procedures of the Tribunal

1. Matters relating to article 292 of the Convention

73. During the period under review, the Tribunal continued to give consideration to information prepared by the Registry on the practice of States in relation to cases in which crew members of vessels detained for pollution offences have been imprisoned, and the amount of security requested in cases in which vessels are detained.

2. Declarations made under articles 287 and 298 of the Convention

74. During the period under review, the Tribunal took note of the information presented by the Registry concerning the status of declarations made under articles 287 and 298 of the Convention.

B. Chambers

1. Matters relating to the Seabed Disputes Chamber

75. During the period under review, the Seabed Disputes Chamber held meetings in which it considered matters falling under its responsibilities, including issues relating to article 82 of the Convention, entitled "Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles".

2. Matters relating to the Chamber for Fisheries Disputes

76. During the period under review, the Chamber for Fisheries Disputes considered reports prepared by the Registry concerning new developments in relation to the international legal regime of fisheries and fisheries subsidies.

3. Matters relating to the Chamber for Marine Environment Disputes

77. During the period under review, the Chamber for Marine Environment Disputes considered reports prepared by the Registry concerning marine special areas and prompt release of vessels and crews in cases relating to pollution of the marine environment.

C. Recent developments in law of the sea matters

78. During the period under review, the Tribunal considered reports prepared by the Registry concerning recent developments in law of the sea matters.

VII. Committees

79. During its thirty-fourth session, on 25 September 2012, the Tribunal reconstituted its committees for the period ending 30 September 2013.[1]

A. Committee on Budget and Finance

80. The members of the Committee on Budget and Finance selected on 25 September 2012 are as follows: Judge Akl, Chair; Judges Jesus, Cot, Lucky, Türk, Bouguetaia, Golitsyn and Paik, members.

B. Committee on Rules and Judicial Practice

81. The members of the Committee on Rules and Judicial Practice selected on 25 September 2012 are as follows: President Yanai, Chair; Vice-President Hoffmann; Judges Marotta Rangel, Nelson, Chandrasekhara Rao, Wolfrum, Ndiaye, Cot, Kateka, Gao, Golitsyn (ex officio member as President of the Seabed Disputes Chamber), Kelly and Attard, members.

C. Committee on Staff and Administration

82. The members of the Committee on Staff and Administration selected on 25 September 2012 are as follows: Vice-President Hoffmann, Chair; Judges Wolfrum, Jesus, Gao, Golitsyn, Paik, Kelly and Attard, members.

D. Committee on Library, Archives and Publications

83. The members of the Committee on Library, Archives and Publications selected on 25 September 2012 are as follows: Judge Türk, Chair; Judges Marotta Rangel, Nelson, Wolfrum, Ndiaye, Pawlak, Paik and Kulyk, members.

E. Committee on Buildings and Electronic Systems

84. The members of the Committee on Buildings and Electronic Systems selected on 25 September 2012 are as follows: Judge Gao, Chair; Judges Akl, Wolfrum, Lucky, Kelly, Attard and Kulyk, members.

[1] For the terms of reference of the committees, see: SPLOS/27, paras. 37-40; SPLOS/50, paras. 36-37; and SPLOS/136, para. 46.

F. Committee on Public Relations

85. The members of the Committee on Public Relations selected on 25 September 2012 are as follows: Judge Kateka, Chair; Judges Chandrasekhara Rao, Bouguetaia, Paik, Kelly, Attard and Kulyk, members.

VIII. Privileges and immunities

A. General Agreement

86. The Agreement on the Privileges and Immunities of the International Tribunal for the Law of the Sea, adopted by the seventh Meeting of States Parties on 23 May 1997, was deposited with the Secretary-General of the United Nations and opened for signature at United Nations Headquarters for 24 months as from 1 July 1997 (see SPLOS/24, para. 27). The Agreement entered into force on 30 December 2001, 30 days after the date of deposit of the tenth instrument of ratification or accession. At the closing date for signature, 21 States had signed the Agreement. As at 31 December 2012, 40 States had ratified or acceded to it.

B. Headquarters Agreement

87. The Headquarters Agreement between the Tribunal and the Government of Germany was signed on 14 December 2004 by the President of the Tribunal and the State Secretary of Germany. This Agreement entered into force on 1 May 2007. It defines the legal status of the Tribunal in Germany and regulates the relations between the Tribunal and the host country. It contains provisions on matters such as the law applicable to the headquarters district, the immunity of the Tribunal, its property, assets and funds, and the privileges, immunities and exemptions accorded to the members of the Tribunal and its officials, as well as to Agents representing parties, counsel and advocates, and witnesses and experts who are required to appear before the Tribunal.

IX. Relations with the United Nations

88. At the 51st plenary meeting of the sixty-seventh session of the General Assembly, on 11 December 2012, the President of the Tribunal delivered a statement under agenda item 75 (a), entitled "Oceans and the law of the sea".[2] In his statement, the President reported to the General Assembly on the developments which had taken place with respect to the Tribunal since the last session of the General Assembly, in particular, the delivery of the Judgment in the Tribunal's first maritime delimitation case (case No. 16). He also reported that the Tribunal had held a hearing in respect of a further case pending before it (case No. 18) and that a new case for prescription of provisional measures pending the constitution of an arbitral tribunal had been submitted to the Tribunal (case No. 20). The President further reported on the Tribunal's training activities, including its capacity-building programmes for

[2] The text of the statements is available on the Tribunal's website: http://www.itlos.org or http://www.tidm.org.

government officials and researchers on dispute settlement under the Convention, and its internship programme.

X. Premises of the Tribunal

89. The terms and conditions under which the premises are made available to the Tribunal by Germany are established in the Agreement of 18 October 2000 between the International Tribunal for the Law of the Sea and the Government of the Federal Republic of Germany on the Occupancy and Use of the Premises of the International Tribunal for the Law of the Sea in the Free and Hanseatic City of Hamburg.

90. During the period under review the Registry, in cooperation with the Federal Building Authorities, has made several improvements to the Tribunal's equipment and systems, in particular as concerns the media technology system.

XI. Finances

A. Budgetary matters

1. Budget of the Tribunal for 2013-2014

91. The budget proposals for 2013-2014, approved by the Tribunal at its thirty-third session, were submitted to the twenty-second Meeting of States Parties. The proposals, involving an amount of €21,896,000, were based on an evolutionary approach and guided by the principle of zero growth.

92. The Meeting of States Parties adopted the budget for 2013-2014 in the amount of €20,398,600, which represents a 3 per cent reduction of the proposed budget (see SPLOS/242).

93. At the thirty-fourth session, the Tribunal considered a report prepared by the Registrar on the implementation of the decision of the twenty-second Meeting of States Parties concerning the budget of the Tribunal for 2013-2014. The Tribunal decided to achieve the 3 per cent reduction of the budget through the recalculation of the appropriations needed for certain budget lines in part A (Recurrent expenditures), part B (Non-recurrent expenditures) and part C (Case-related costs).

2. Report on budgetary matters for the financial periods 2009-2010 and 2011-2012

94. At its thirty-third session, the Tribunal considered the report presented by the Registrar on budgetary matters for the financial periods 2009-2010 and 2011-2012. The report, which was submitted to the twenty-first Meeting of States Parties for its consideration (see SPLOS/242), included the following: surrender of cash surplus for the financial period 2009-2010; a provisional performance report for 2011; a report on action taken pursuant to the decision concerning budgetary matters for the 2011-2012 financial period taken by the twenty-first Meeting of States Parties; adjustment of the special allowance of the President and that of the Vice-President when acting as President; and a report on action taken pursuant to the Financial Regulations of the Tribunal (the Tribunal's investments, the Korean International

Cooperation Agency (KOICA) trust fund, the Nippon Foundation trust fund and the trust fund for the law of the sea).

3. Cash flow situation

95. At its thirty-third and thirty-fourth sessions, the Tribunal took note of the information presented by the Registrar concerning the cash flow situation of the Tribunal.

B. Status of contributions

96. As at 31 December 2012, 117 States parties had made contributions to the year 2012 of the 2011-2012 budget, totalling €9,654,681, while 47 States parties had not made any payments with respect to their assessed contributions for 2012. The balance of unpaid contributions with respect to the second year of the 2011-2012 budget was €544,637. The total balance of unpaid contributions with respect to the full financial period 2011-2012 was €826,852.

97. Furthermore, assessed contributions amounting to €208,402 in respect of the budgets of the Tribunal for the financial periods 1996-1997 to 2009-2010 were still pending as at 31 December 2012.

98. The balance of unpaid contributions with respect to the overall budget of the Tribunal amounted to €1,035,254 as at 31 December 2012. In July 2012, the Registrar sent the States parties notes verbales concerning their assessed contributions for the 2013-2014 budget, and containing information about outstanding contributions to the previous budgets. In December 2012, the Registrar sent notes verbales to the States parties concerned, reminding them of their outstanding contributions to the budgets of the Tribunal.

C. Financial Regulations and Rules

99. The Financial Regulations of the Tribunal, adopted by the thirteenth Meeting of States Parties on 12 June 2003, became effective on 1 January 2004.[3]

100. Pursuant to financial regulation 10.1 (a), the Registrar must establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy. In accordance with this provision the Tribunal, at its seventeenth session, approved the Financial Rules, which were submitted to the fourteenth Meeting of States Parties for its consideration. The Meeting took note of the Financial Rules of the Tribunal, which, according to rule 114.1, became effective on 1 January 2005 (the Financial Regulations and Rules of the Tribunal are contained in document SPLOS/120).

[3] Financial Regulations, regulation 14.1.

D. Appointment of the auditor for 2013-2014 and 2015-2016

101. Pursuant to financial regulation 12.1, the twenty-second Meeting of States Parties appointed Ernst & Young as the Tribunal's auditor for the financial periods 2013-2014 and 2015-2016 (see SPLOS/251, para. 41).

E. Trust funds and donations

102. On the basis of resolution 55/7 on "Oceans and the law of the sea" adopted by the General Assembly on 30 October 2000, a voluntary trust fund has been established by the Secretary-General to assist States in connection with disputes to be settled by the Tribunal. According to information provided by the Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs, a contribution to the trust fund was made in 2012 by the Government of Finland, and the financial statements of the trust fund showed a balance of $189,759 as at 31 December 2012.

103. In 2004, KOICA provided a grant to fund the participation of interns from developing countries in the internship programme of the Tribunal. A trust fund was established by the Registrar for this purpose, pursuant to regulation 6.5 of the Financial Regulations of the Tribunal. The fund was closed in 2012.

104. In 2007, the Nippon Foundation provided a grant to fund the participation of fellows in a capacity-building and training programme on dispute settlement under the Convention. A trust fund was established by the Registrar for this purpose, pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

105. In 2010, pursuant to a decision of the Tribunal at its twenty-eighth session, the Registrar established a new trust fund for the law of the sea, whose terms of reference were adopted by the Tribunal and submitted for consideration to the twentieth Meeting of States Parties. The trust fund is intended to promote human resource development in developing countries in the law of the sea and maritime affairs in general. Contributions made to the trust fund are used to provide applicants from developing countries with financial assistance to enable them to participate in the Tribunal's internship programme and the summer academy. States, intergovernmental organizations and agencies, national institutions, non-governmental organizations and international financial institutions, as well as natural and juridical persons, are invited to make voluntary financial or other contributions to the trust fund. Three contributions to the trust fund, in the following amounts were made so far: €25,000 in April 2010 by a company from the Republic of Korea and operating in Hamburg, twice an amount of €15,000 by the Korea Maritime Institute in October 2011 and in December 2012, respectively.

106. In 2012, the China Institute of International Studies provided a grant to finance training activities of the Tribunal, including regional workshops, and to provide grants to participants from developing countries in the internship programme and the summer academy. A trust fund was established by the Registrar for this purpose, pursuant to regulation 6.5 of the Financial Regulations of the Tribunal.

XII. Administrative matters

A. Staff Regulations and Staff Rules

107. During the period under review, the Tribunal approved the recommendation of the Committee on Staff and Administration to adopt amendments to the Staff Regulations concerning the salary scale for staff in the Professional and higher categories. The amendment is intended to bring the salary scale of the staff of the Tribunal into line with the applicable scales adopted for the United Nations common system, pursuant to regulation 12.6 of the Staff Regulations.

108. During the period under review, in the light of the recommendation of the Committee on Staff and Administration, the Tribunal took note of the amendments proposed to the Staff Rules of the Tribunal, inter alia, concerning pensionable remuneration for staff in the Professional and higher categories and the salary scale for staff in the General Service category. Pursuant to regulations 12.2, 12.3 and 12.4 of the Staff Regulations, the amendments to the Staff Rules which were provisional entered into full force and effect on 1 January 2013.

B. Staff recruitment

109. In 2012, the Tribunal recruited staff members for the posts of Translator/Reviser (P-4), Associate Legal Officer (P-2) and Linguistic Assistant/Judiciary Support (G-6).

110. At the end of 2012, recruitment to the posts of Senior Legal Officer/Head of Legal Office (P-5), Head of Budget and Finance (P-4) and Associate Archivist (P-2) was in progress.

111. A list of the staff members of the Registry as at 31 December 2012 is contained in annex I to the present report.

112. Temporary personnel were recruited to assist the Tribunal during its thirty-third and thirty-fourth sessions, during the hearings and deliberations in cases Nos. 16, 18, 19 and 20.

113. The staff of the Registry consists of 37 staff members, of whom 17 are in the Professional and higher categories. The recruitment of staff members in the Professional category, excluding language staff, is subject to the principle of equitable geographical distribution, in accordance with regulation 4.2 of the Staff Regulations. This regulation provides that:

> The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity for securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Taking into account the small number of staff in the Registry of the Tribunal, a flexible regional approach has been followed in this regard.

114. The Tribunal has taken steps to ensure that vacancy announcements are disseminated in such a way as to recruit staff on as wide a geographical basis as possible. Information on vacancies is transmitted to the embassies of the States

parties to the Convention in Berlin, and to the permanent missions in New York. The information is also posted on the Tribunal's website and published in the press.

115. The Tribunal applies, mutatis mutandis, the recruitment procedures followed by the United Nations. In accordance with these procedures, the principle of geographical distribution does not apply to the recruitment of General Service staff. However, the Tribunal has also made efforts to recruit General Service staff on as wide a geographical basis as possible.

C. Staff Pension Committee

116. Pursuant to the proposal of the Tribunal, the sixteenth Meeting of States Parties decided that a Staff Pension Committee should be established with the following composition: (a) one member and one alternate member to be chosen by the Meeting; (b) one member and one alternate member to be appointed by the Registrar; and (c) one member and one alternate member to be elected by the staff. Initially, the term of office of members and alternates was two years. The twentieth Meeting of States Parties decided to extend the term of office to three years. The current president of the Committee is Abdoul Aziz Ndiaye (Embassy of Senegal in Berlin).

D. Language classes at the Tribunal

117. English and French classes for Registry staff members were held in 2012.

E. Internship programme

118. The internship programme of the Tribunal was established in 1997. Applicants from developing countries can receive financial assistance in covering the costs incurred by participating in the programme. From 2004 to 2012, this financial assistance was paid from the trust fund established in respect of a grant provided by Korea KOICA. Since 2012, the assistance has been paid from the trust fund for the law of the sea established by the Tribunal at its twenty-eighth session (see para. 105 above).

119. As at the end of 2012, a total of 252 interns from 82 States had participated in the programme, with 99 interns benefiting from funding.

120. During 2012, 17 persons from 16 different countries served periods of internship at the Tribunal. A list of participants in the internship programme during 2012 is contained in annex II to the present report.

121. An information sheet and the application form for the programme can be obtained from the Registry or from the Tribunal's website: www.itlos.org (English) and www.tidm.org (French).

F. Capacity-building and training programme

122. In 2012, for the sixth time, a capacity-building and training programme on dispute settlement under the Convention was conducted with the support of the Nippon Foundation. The Nippon Foundation Grant was set up in 2007 to provide capacity-building and training to fellows and assist them in covering the costs

incurred by participating in the programme. During the programme, participants attend lectures on topical issues related to the law of the sea and maritime law and training courses on negotiation and delimitation. They also visit institutions working in the areas of law of the sea, maritime law and settlement of disputes (inter alia, the International Court of Justice, the International Criminal Court, the International Hydrographic Organization and the International Maritime Organization). At the same time, participants carry out individual research on selected topics.

123. Nationals of Armenia, Chile, the Dominican Republic, Gambia, Guinea, Myanmar and Sri Lanka are participating in the 2012-2013 programme (July 2012-March 2013). A list of fellows is contained in annex III to the present report.

XIII. Visits

124. During the period under review, the Tribunal received visitors, in particular, holders of political office, diplomats, members of judicial authorities, senior government officials, researchers, academics and lawyers.

XIV. Buildings and electronic systems

A. Requirements for the permanent premises

125. During the thirty-third and thirty-fourth sessions, the Registrar presented reports on: building arrangements; the use of the Tribunal's premises; the development of electronic systems; courtroom technology and security; the maintenance and updating of electronic systems; and artwork at the Tribunal. The reports were reviewed by the Committee on Buildings and Electronic Systems with a view to improving the working conditions of the Tribunal.

B. Use of the premises and public access

126. During 2012, the following events were held on the premises of the Tribunal:

- 2012 Maritime Talks, organized by the International Foundation for the Law of the Sea, on 24 March 2012;
- Annual meeting of the law alumni of the Zeit Foundation, on 15 June 2012;
- Visit of the German Japanese Association, on 20 July 2012, hosted jointly by the Association and the Consul General of Japan.

127. In addition, the premises of the Tribunal were visited by approximately 1,000 people on organized tours in 2012.

XV. Library facilities and archives

128. During the thirty-third and thirty-fourth sessions, the Registrar reported on several matters pertaining to the Library, including the collections, online databases and bibliography. He also presented reports on the archive and document centre at the Tribunal, including the archival databases and mobile exhibition.

129. A list of donors to the Library is contained in annex IV to the present report.

XVI. Publications

130. The status of the Tribunal's publications was reviewed by the Committee on Library, Archives and Publications during the thirty-third and thirty-fourth sessions of the Tribunal.

131. During the period under review, the following volumes were published:

(a) *ITLOS Yearbook — TIDM Annuaire 2011, Vol. 15*;

(b) *ITLOS Reports of Judgments, Advisory Opinions and Orders 2011, Vol. 11*.

XVII. Public relations

132. During the period under review, the Committee on Public Relations gave consideration to a set of measures to provide information on the work of the Tribunal, including the installation of a permanent exhibition on the work of the Tribunal and the Convention at the Tribunal's premises, dissemination of information on the Tribunal, and participation by representatives of the Tribunal in international legal meetings.

XVIII. Summer academy

133. The International Foundation for the Law of the Sea held the sixth summer academy on the premises of the Tribunal from 22 July to 18 August 2012. The academy focused on the theme "Uses and protection of the sea — Legal, economic and natural science perspectives". Thirty-six participants from 32 different countries attended lectures on issues relating to both law of the sea and maritime law. The lectures were given by Judges of the Tribunal as well as by experts, practitioners, representatives of international organizations and scientists.

XIX. Public information and website

134. The Tribunal publicized its work by means of its website, press releases and briefings by the Registry, and through the distribution of its judgments, orders and publications.

135. The website can be accessed at the following addresses: www.itlos.org and www.tidm.org. The texts of judgments and orders of the Tribunal, and verbatim records of hearings, are available on the website, together with other information about the Tribunal.

136. In 2012, judges and Registry staff members also delivered lectures and published papers on the work of the Tribunal.

Annex I

Information on staff (2012)

Professional and higher categories

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Gautier, Philippe	Registrar	Belgium	ASG	ASG
Kim, Doo-young	Deputy Registrar	Republic of Korea	D-2	D-2
Scharfer, James	Head of Linguistic Services	France	P-5	P-5
Vacant	Senior Legal Officer/Head of Legal Office		P-5	
Savadogo, Louis	Legal Officer	Burkina Faso	P-4	P-4
Hinrichs, Ximena	Legal Officer	Chile	P-4	P-4
Mizerska-Dyba, Elzbieta	Head of Library and Archives	Poland	P-4	P-4
Gross, Muriel	Translator/Reviser	France	P-4	P-4
Gaba Kpayedo, Kafui	Head of Personnel, Building and Security	Togo	P-4	P-4
Vacant	Head of Budget and Finance		P-4	
Gbadoe, Alfred	Information Technology Officer	Germany	P-3	P-3
Rostan, Jean-Luc	Translator (French)	France	P-3	P-3
Füracker, Matthias	Legal Officer	Germany	P-3	P-3
Ritter, Roman	Associate Administrative Officer (Contributions/Budget)	Germany	P-2	P-2
Ritter, Julia[a]	Press Officer	United Kingdom	P-2	P-2
Saab, Yara	Associate Legal Officer	Lebanon	P-2	P-2
Vacant	Archivist		P-2	

[a] The post of Press Officer is occupied 50 per cent by the incumbent of the post, Ms Ritter. The remaining 50 per cent is currently occupied by Ms. Anja Alsen on the basis of a temporary appointment.

Total posts: 17

General Service

Name	*Title*	*Country of nationality*	*Level of post*	*Level of incumbent*
Vorbeck, Antje	Administrative Assistant (Personnel)	Germany	G-7	G-7
Bothe, Andreas	Building Coordinator	Germany	G-7	G-7
Egert, Anke	Publications/Personal Assistant (Registrar)	Germany	G-7	G-7
Winkelmann, Jacqueline	Administrative Assistant (Procurement)	Germany	G-7	G-7
Mba, Patrice	Information Systems Assistant	Cameroon	G-7	G-7
Nas, Ellen	Personal Assistant (President)	Netherlands	G-6	G-6
Albiez, Berit	Linguistic Assistant/Judiciary Support	Germany	G-6	G-6
Hartmann-Vereshchak, Svitlana	Finance Assistant	Ukraine	G-6	G-6
Naegler, Thorsten	Administrative Assistant (Contributions)	Germany	G-6	G-6
Karanja, Elizabeth	Administrative Assistant	Kenya	G-6	G-6
Koch, Béatrice	Linguistic Assistant/Judiciary Support	France	G-6	G-6
Sadler, Gerardine	Administrative Assistant	Singapore	G-5	G-5
Bartlett, Emma	Personnel Assistant	United Kingdom	G-5	G-5
Borchert, Anne-Charlotte	Personal Assistant (Deputy Registrar)	France	G-5	G-5
Heim, Svenja	Library Assistant	Germany	G-5	G-5
Boeck, Henrik	Finance Assistant (Accounts Payable)	Denmark	G-5	G-5
Duddek, Sven	Senior Security Officer/Building Superintendent	Germany	G-4	G-4
Marzahn, Inga	Administrative Assistant	Germany	G-4	G-4
Aziamble, Papagne	Administrative Support/Driver	Togo	G-4	G-4
Ntinugwa, Chuks	Security Officer/Driver	Germany	G-3	G-3

Total posts: 20

Annex II

Information on interns (2012)

Name	*State*	*Period*
Becar Jara, Jorge	Chile	01.12-03.12
Chang, Hong	China	04.12-06.12
De Paiva Toledo, André	Brazil	07.12-09.12
Galinnya, Stephanas	Uganda	01.12-03.12
Kakhniashvili, Gulisa	Georgia	04.12-06.12
Kim, Juhui	Republic of Korea	07.12-09.12
Liu, Tong	China	07.12-09.12
Malczewska, Klaudia	Poland	10.12-12.12
Meda, Nangfaa Léon Clément	Burkina Faso	07.12-09.12
Nguyen, Lan	Viet Nam	10.12-12.12
Ryan Valerio Lindsay	Costa Rica	04.12-06.12
Sazonova, Olga	Russian Federation	10.12-12.12
Sefrioui, Sarra	Morocco	10.12-12.12
Storgårds, Susanne	Finland/United States	07.12-10.12
Van Der Vorst, Ines	Spain/Netherlands	04.12-06.12
Vasquez Schaer, Nicolas	Bolivia (Plurinational State of)	10.12-12.12
Zysko, Olena	Ukraine	01.12-03.12

Annex III

Information on Nippon fellows (2012-2013)

Julieta Abgaryan (Armenia)

Ms. Abgaryan holds a law degree from the Moscow State University of International Affairs, where she studied both public international law and economic law. Since 2011 she has been conducting a PhD in the field of international maritime law at the aforementioned university.

Buba Bojang (Gambia)

Mr. Bojang holds a law degree from the University of Maiduguri, Borno State, Nigeria. He also graduated from the International Maritime Law Institute of the International Maritime Organization, where he successfully completed his LLM in international maritime law. Since June 2011 he has been working as a maritime lawyer and registrar in the Gambia Maritime Administration, an institute which regulates all the maritime affairs of Gambia. His tasks are to advise his department and the department of fisheries on all maritime legal issues. He is also in charge of the registration of vessels and the granting of nationality.

Tahiana Fajardo Vargas (Dominican Republic)

Ms. Fajardo holds a law degree from the Pontificia Universidad Catolica Madre y Maestra, Santo Domingo, Dominican Republic. She also holds a degree in public international law and an LLM in international administrative law of the Université Panthéon Assas, Paris. She is currently working as a legal officer at the National Maritime Authority of the Dominican Republic, where her duties are, among others, providing legal advice regarding the actions and measures necessary to secure compliance with the obligations of the Authority. She participates in numerous committees, analyses the international conventions related to the work of the Authority and ratified by the State, and studies their implementation.

Rodrigo José Fernández (Chile)

Mr. Fernández holds a degree in public law from the Pontificia Universidad Catolica de Chile, Santiago. He was admitted to the Chilean bar in May 2012. Since 2011, he has been working as a junior associate lawyer for Grasty Quintana Majlis & Cia., a law firm specialized in corporate, tributary foreign investment and civil law matters. He is currently also working as ad-honorem research assistant to Professor María Teresa Infante, on frontiers and limits, at the Ministry of Foreign Affairs of Chile. His duties include the elaboration of minutes and specialized bibliographies, and assistance during the sessions of the Court.

Alkaly Kaba (Guinea)

Mr. Kaba holds a master in international law from the University of Conakry, Guinea. Since 2003, he has been working as a lawyer at the Agence Nationale de la Navigation Maritime. He is responsible for all matters relating to the exploitation of vessels, including the public arrest of ships and fisheries regulations within the exclusive economic zone of Guinea.

Nuwan Chintaka Peiris (Sri Lanka)

Mr. Peiris holds a law degree from the Open University of Sri Lanka and an LLM in international trade from the University of Wales. He is currently working as a State Counsel at the Attorney General's Department, where he handles legal advice matters regarding marine pollution prevention, coastal conservation and shipping law-related issues.

Sunn Linn (Myanmar)

Mr. Sunn holds a law degree from the University of Distance Education of Yangon, Myanmar. He also obtained an LLM at the Graduate School of Law of Kyushu University, Fukuoka, Japan. Since 2010, he has been working as a staff officer at the Union Attorney General's Office, where he has been giving legal advice to the government Department concerning international and Asian legal affairs.

Annex IV

List of donors to the Library of the International Tribunal for the Law of the Sea (2012)*

Center for Oceans Law and Policy, University of Virginia, Charlottesville, Virginia, United States of America

Division for Ocean Affairs and the Law of the Sea of the United Nations, New York

International Seabed Authority, Kingston

Japan Branch of the International Law Association, University of Tokyo, Faculty of Law, Tokyo

Korea Maritime Institute, Seoul

Mare, Die Zeitschrift der Meere, Hamburg, Germany

Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht, Heidelberg, Germany

Myron H. Nordquist, Associate Director and Editor, Center for Oceans Law and Policy, University of Virginia, Charlottesville, Virginia, United States of America

Paulo Abrâo Pires Junior, National Secretary of Justice, Chairman of the Amnesty Commission, Ministry of Justice, Brazil

Marta Chantal da Cunha Machado Ribeiro, Faculty of Law, University Do Porto, Portugal

Marcelo D. Torelly, Coordinator of Historical Memory, Amnesty Commission, Ministerio de Justica, Brazil

United Nations Educational, Scientific and Cultural Organization, Intergovernmental Oceanographic Commission, Paris

Walther-Schücking-Institut für Internationales Recht an der Universität Kiel, Kiel, Germany

World Trade Organization, Geneva

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* As at 31 December 2012.